

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re Flint Water Cases 16-10444

_____/ *The Hon. Judith E. Levy*

Bellwether III Case No. 17-10164

_____/

NOTICE REGARDING DR. AARON SPECHT’S MATLAB CODE

COME NOW Bellwether III Plaintiffs, and with regard to the issues concerning Dr. Aaron Specht’s proprietary pXRF MATLAB code, state as follows:

1. On March 8, 2023, the Court ordered Plaintiffs and their expert, Dr. Aaron Specht, to provide his pXRF MATLAB code to Defendants, subject to a protective order, which was to be proposed by Plaintiffs. *See* ECF No. 2394.

2. On March 22, 2023, Plaintiffs asked the Court to reconsider its order. ECF No. 2404.

3. On March 23, 2023, in response to Bellwether III Plaintiffs’ request, the Court asked for a declaration as to:

- (a) Whether Dr. Specht can calculate the bone-lead levels and margins of error for the ten Bellwether III plaintiffs “long hand.” In other words, the Court asked whether Dr. Specht can provide the Court

and the parties with those calculations without using his proprietary MATLAB code. ECF No. 2405.

- (b) The Court also requested information as to how much time Dr. Specht would need to complete the calculations in this manner, and whether Plaintiffs will agree to use these numbers in lieu of those calculated with the MATLAB code. *Id.*

4. Plaintiffs have spent significant time with Dr. Specht since March 23, 2023, discussing this issue.

5. Dr. Specht is capable of calculating the bone-lead levels and margins of error for the ten Bellwether III plaintiffs “long hand.”

6. Dr. Specht reports that each set of calculations will take him approximately forty-five (45) minutes, resulting in a total time of approximately seven (7) hours and thirty (30) minutes for the ten (10) Bellwether III plaintiffs.

7. However, Dr. Specht also reports that doing so would essentially be doing the Defendants’ expert’s work for him, and it would also be time consuming and cost-prohibitive going forward, as there are at least five-thousand (5,000) children with claims and lawsuits related to the Flint Water Crisis, which amounts to approximately three-thousand, seven-hundred and fifty (3,750) hours of time if he was to serve as their expert in each case.

8. Thus, Dr. Specht has decided that for the efficiency of the litigation and for the sake of time, he will provide Defendants with his MATLAB code, provided there is a sufficient protective order in place.

9. Plaintiffs therefore withdraw their motion for reconsideration (ECF No. 2404), and request until 5:00 pm on Monday, April 3, to present the Court with a joint protective order with respect to Dr. Specht's MATLAB code, or to inform the Court that the parties have been unable to agree on such an order and request the Court's assistance in crafting one.

10. If despite the withdrawal of the motion, and to confirm the representations made by counsel herein the Court requests a declaration from Dr. Specht, counsel will file one within twenty-four (24) hours.

Dated: March 27, 2023

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on March 27, 2023 I electronically filed this document with the Clerk of the Court using the ECF System, which will send notification to the ECF counsel of record.

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